

**Pacific Offshore Cetacean Take Reduction Team (TRT)
Year 2001 Recommendations Report
May 8-10, 2001**

1. ATTAINMENT OF MARINE MAMMAL PROTECTION ACT (MMPA) GOALS:

Although the data for the 2000-2001 fishing season indicate that the number of entanglements of cetaceans has been reduced from that of the prior season, there is still a concern that the low levels of take that were observed in 1998 or that were predicted from the pinger experiment have not been achieved consistently every year. There were no observed takes of any strategic marine mammal stocks in the 2000-2001 fishing season. The Take Reduction Plan (TRP) continues to achieve the goal of keeping marine mammal mortality and serious injury below the Potential Biological Removal (PBR) level. Using the proposed definition of ZMRG (10% of PBR), the TRP has been effective in achieving 10% of PBR for all but four of the marine mammal species. However, the mortality and serious injury of sperm whale, fin whale, northern right whale dolphin and short fin pilot whale is still greater than 10% of PBR. Nevertheless, NMFS has made a determination that all commercial fisheries, including the California/Oregon drift gillnet fishery, is having a negligible impact on the sperm whale and fin whale populations. NMFS has also made this determination for steller sea lions and humpback whales.

Because of the uncertainty regarding distribution of some cetaceans or marine mammals and the lag time in collecting and analyzing data, the TRT endorses the current efforts of NMFS to continue collecting (or conducting) abundance estimates to provide the context for evaluating take trends.

Although we cannot predict the response of the fleet to new management options that may be proposed by NMFS, data indicates that, in the past, the incidental take of cetacean and strategic marine mammal stocks have been higher north of Point Conception than in the ocean area south of Point Conception. Therefore, the TRT doesn't expect that a closure in the northern area would result in an increase in the take of cetaceans or marine mammal strategic stocks.

The Team still believes that it is critical to 1) recommend ongoing diligence in the implementation of current strategies; 2) evaluate how current strategies may be made more effective; and 3) identify additional strategies that may contribute to the further reduction of mortality and serious injury.

The Team is proposing a package of measures for the next fishing season with the goal of further reducing the number of marine mammal mortality and serious injury that may occur.

2. MEASURES TO REDUCE TAKE OF SEA TURTLES

June 21, 2001

The TRT recognizes the need and importance for NMFS to develop a strategy to protect sea turtles. The TRT believes that the following “reasonable and prudent alternative” outlined below may be equally or more effective in protecting leatherback turtles and would likely be better for the fishery than the “reasonable and prudent alternative” contained in NMFS’s 23 October 2000 Biological Opinion. The Team requests that NMFS, in consultation with a turtle expert, conduct a quantitative analysis of turtle takes in this fishery and the influence of season, region, and extender depth. If such an analysis supports that the alternative outlined below provides an equal or greater level of protection for leatherback turtles, the TRT recommends that NMFS consider adopting the alternative below instead.

The strategy that the TRT recommends includes:

- Close the region from 36° 15' N to 45° 00' N from 15 August to 15 November.
- Require that extender length in the area north from a line extending due west of Point Conception be increased to a minimum of 60 feet.
- Conduct skipper training workshops with mandatory attendance that would include methods to avoid sea turtle takes and methods and tools to release sea turtles alive. Skipper would be required to have a special cutting tool (curved knife blade on the inside of a hook at the end of a pole) that would aid in the release of sea turtles and marine mammals.
- Increase observer coverage in the entire fishery or at a minimum in the northern zone (with restrictions on vessel movement between zones) to provide a more accurate estimate of actual takes of sea turtles and a more sensitive method for determining when limits are at risk of being exceeded.
- If a leatherback turtle is taken in an observed set for this fishery, it would trigger the southward expansion of the closure area for 15 August to 15 November to a line west from Point Conception until such time that projected total takes no longer exceed 3 leatherback turtles through the end of the first year, 6 leatherbacks through the end of the second year, and 9 leatherbacks through the end of the third year.
- The effectiveness of this plan would be re-evaluated when consultation is re-initiated.

3. PROCESS RECOMMENDATIONS

The TRT believes that TRT members could make beneficial recommendations to the design of turtle protection strategies, especially if a turtle expert is added to the team as an advisor. Although the TRT is not charged with addressing issues pertaining to these species, the TRT has worked collaboratively and effectively in meeting its charge under the MMPA and decisions made regarding leatherback and loggerhead turtles may well have had a bearing on the responsibility of this TRT. NMFS should consider it a high priority to provide a turtle expert for future meetings to consult with the team.

The TRT strongly urges NMFS to consider input from the TRT in the future on issues that may have a nexus to the work of the TRT. The TRT also recommends that NMFS evaluate a future

role for the TRT that would enable the TRT to take a broader, multi-species approach in addressing by-catch. Such an approach would be beneficial for the suite of species that are the responsibility of the agency and could play a role in preventing or reducing the impending economic hardship that now confronts the fleet as a result of the implementation of the reasonable and prudent alternative in the biological opinion for loggerhead and leatherback turtles.

The TRT has proposed a package of measures to NMFS to reduce turtle interactions that may also benefit cetaceans. This approach could serve as a model for addressing cetacean issues with those of other protected species.

4. RECOMMENDATIONS REGARDING THE TAKE REDUCTION PLAN

A. Mandatory Deployment of 36' Net Buoy Line Extenders

The requirement to utilize a 36' extender should be continued in accordance with the final rule and technical amendment.

Note: The TRT recommended increasing the extender length in the area from Point Conception north as an alternative to the Reasonable and Prudent Alternative in NMFS' 23 October 2000 Biological Opinion to reduce the likelihood of sea turtle interactions, especially leatherbacks- if NMFS determines an increase in extender length would reduce the number of interactions. See Recommendation #2.

B. Mandatory Use of Pingers

- 1. The requirement to utilize pingers on both the lead line and float line should be continued.*
- 2. NMFS should explore whether there is another frequency or range of frequencies that could be more effective in deterring large whale entanglement. If so, the next step would be to encourage incorporating this sound characteristic into pingers that are purchased by the fleet as replacements for their current pingers.*
- 3. The Pacific Offshore Cetacean TRT delegates Mark Powell to interface with the Mid-Atlantic Harbor Porpoise TRT "Funding Subgroup" to determine areas where the two teams can work together to identify private sector sources of funding for research and development of innovative pinger technology and for future experiments.*
- 4. Doyle Hanan was delegated to explore available funding through grants from the Pacific States Marine Fisheries Commission (PSMFC). He agreed to contact Dave Hanson, who was unable to participate in this year's TRT meeting, to explore options.*

5. *The TRT continues to encourage the use of pingers that can be affixed to nets for the season and which have longer battery life.*

6. *The TRT continues to urge fishers to check the operation of each pinger to ensure compliance with the regulations for every set. See Recommendations 5.B.1 regarding Data Gathering.*

C. Voluntary Program to Reduce the Number of Permits

The TRT encourages continuation of the policy of not reissuing permits that have lapsed in California and recommends that the State of Oregon continue to issue the same level of permits as it has in recent years.

D. Mandatory Skipper Education Workshops

1. *The TRT recommends that NMFS conduct a mandatory Skipper Education Workshop this fishing year. The preference is for workshops to be conducted earlier in the year. There should also be a make-up session offered for fishermen who cannot attend the regularly scheduled workshops.*

2. *The workshops should include information on options for avoiding entanglements with sea turtles as well as topics that NMFS has covered in prior years pertaining to the implementation of the TRP. This should include a demonstration on the appropriate use of a special cutting tool for releasing entangled animals.*

3. *Skippers should be asked for input regarding approaches for better delineating where take occurs in a net.*

5. OTHER RECOMMENDATIONS

A. Data Analysis

The TRT recommends that NMFS conduct a data analysis that would examine the correlation of marine mammal takes by geography and time stratification.

B. Data Gathering

1. *The TRT recommends that observers continue to check the functioning of pingers (whether they are emitting a sound) using the current protocol and if a marine mammal entanglement occurs, observers should record whether the pingers in the area adjacent to the take are functioning. The data should be recorded as a coded entry. Observers should also continue to record the type and position of pingers used for each set using a code notation of at least: Dukane, Fumunda, or mixed. This information should be*

recorded separately for the lead and float lines and should be made as a coded entry.

2. The TRT recommends that NMFS identify approaches for more accurately determining the location of take in the net. NMFS should consult with skippers at the skipper workshops regarding options as well as with the observer program.

C. Compliance with TRP Regulations and Enforcement

Based upon the information presented at the 2001 meeting, the TRT acknowledges that compliance is improving. However, at-sea enforcement remains an important goal for the program to ensure that compliance continues.

The TRT therefore again recommends the following:

1) There should be at-sea enforcement that is independent of the observer program. Once again, the TRT is disappointed that the agency was unable to implement at-sea boardings during the most recent fishing season. However, the TRT strongly recommends that -NMFS implement an aggressive program of at-sea boards in cooperation with the Coast Guard and California Department of Fish and Game (CDFG). It is the understanding of the team that CDFG has a new vessel that might be available for this activity. The TRT urges NMFS to pursue this opportunity and requests that its CDFG representative, Robert Read, provides assistance with this task as feasible.

2. Observer data should be used judiciously for enforcement.

3. NMFS should continue its aggressive program to keep all boats participating in the observer program and monitor the success of this program. The TRT recognizes that there continues to be progress in achieving this goal.

4. Actions taken to prosecute violations should be pursued prior to the start of the fishing season.

6. REDUCTION IN FISHING EFFORT

If implementation of the TRP is not effective in continuing the progress of meeting the goals of the TRP, then the TRT will discuss and evaluate additional time/area closures as well as other measures at its 2002 meeting.